

Appl. No. 10/733,307
Amendment dated October 12, 2005
Reply to Office Action of July 12, 2005

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes a change to Figures 27 and 28. This sheet, which includes Figures 27 and 28, replaces the original sheet including Figures 27-28.

Attachment: one (1) replacement sheet

REMARKS

In the July 12, 2005 Office Action, the specification was objected to and claims 31-37 stand rejected in view of prior art. Claims 31-37 also were rejected for failing to indicate and claim particularly and distinctly the subject matter that Applicant regards as the invention.

Status of Claims and Amendments

In response to the July 12, 2005 Office Action, Applicant has amended the specification and claims as indicated above. Thus, claims 31-38 are pending, with claims 32 and 38 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the above amendments and the following comments.

Specification

In paragraph 2 of the Office Action, the specification was objected to for failing to provide antecedent basis for the claimed subject matter in accordance with 37 CFR §1.75(d)(1). In response, Applicant has removed the phrase containing the term “a transfer surface.”

Applicant has amended the specification to provide antecedent basis for the amended claim 32. The amendment to the specification is supported by Applicant’s disclosure. For example, Figures 3, 4, 27 and 28 illustrate longitudinal axis B, B' that bisects the pedal body 22, 122 and the cleat stop surface 23b.

Applicant believes that the specification is now correct and complies with 37 CFR §1.71 and 37 CFR §1.75(d)(1). Withdrawal of the objections is respectfully requested.

Claim Rejections - 35 U.S.C. §112

In paragraph 3 of the Office Action, claims 31-37 were rejected under 35 U.S.C. §112, second paragraph. In response, Applicant has removed the phrase containing the term “a transfer surface.”

Applicant believes that the claims now comply with 35 U.S.C. §112, second paragraph. Withdrawal of the rejections is respectfully requested.

Rejections - 35 U.S.C. § 102

In paragraph 4 of the Office Action, claims 31-33 and 35-37 stand rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Utility Model No. 5-319350 (Date). In response, Applicant has amended independent claim 32 to clearly define the present invention over the prior art of record.

In particular, independent claim 32 recites that a rearwardly facing front pedal control surface is arranged to be free of obstructions along a longitudinal axis that bisects the pedal body in an area immediately rearward of the rearwardly facing front pedal control surface. This structure is *not* disclosed or suggested by Date or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference.

Date discloses a cleat engagement mechanism with a front clamping member. Date further discloses a bar member that runs along a longitudinal axis of the cleat engagement mechanism. The bar member connects to the front clamping member at a rearwardly facing surface.

In contrast, independent claim 32 requires a front clamping member with a rearwardly facing front pedal control surface that is arranged to be free of obstructions along a longitudinal axis that bisects the pedal body in an area immediately rearward of the rearwardly facing front pedal control surface. Claim 32 now distinguishes over the prior art in that the cleat engagement mechanism of Date is not free from obstructions along the longitudinal axis that bisects the pedal body in an area immediately rearward of the rearwardly facing front pedal control surface.

In addition, new independent claim 38 also distinguishes over Date in that the pedal body forms an open area completely through the pedal body such that the rearwardly facing front pedal control surface includes a concave shape.

Applicant believes that dependent claims 31, 33 and 35-37 are also allowable over the prior art of record in that they depend from independent claim 32, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate independent claim 32, neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

Rejections - 35 U.S.C. § 103

In paragraph 5 of the Office Action, claim 34 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Date.

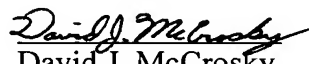
Applicants believe that dependent claim 34 is allowable over the prior art of record in that it depends from independent claim 32, and therefore is allowable for the reasons stated above. Also, dependent claim 34 is further allowable because it includes additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 32, the prior art of record also fails to disclose or suggest the invention as set forth in dependent claim 34.

Therefore, Applicant respectfully requests that this rejection be withdrawn in view of the above comments and amendments.

Conclusion

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 31-38 are in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,


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